

other district indebtedness, if any providing for the integration of the district properties with the City's water and sewer system and the operation thereof by the board of trustees or public service board operating the City's system; providing for abolishing the district; making provisions to avoid impairing rights of holders of district bonds by reverting the district properties to separate operation and maintenance; enacting other provisions related to the subject; and declaring an emergency.

have carefully compared same and find it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,  
April 26, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 400, An Act amending Senate Bill No. 273, Acts of the 54th Legislature, Regular Session, 1955, Chapter, 258, codified as Article 199-9 of Vernon's Civil Statutes, by adding a new Section thereto, to be numbered Section 10A, to provide for transfer of cases, both civil and criminal, between the Ninth Judicial District of Texas and the Second Ninth Judicial District of Texas and making other provisions relating to organization, jurisdiction and handling of cases in said courts; and declaring an emergency.

have carefully compared same and find it correctly enrolled.

HARDEMAN, Chairman.

#### Sent to the Governor

April 26, 1965

S. B. No. 192  
S. B. No. 132  
S. B. No. 424  
S. B. No. 212  
S. B. No. 292  
S. B. No. 330  
S. B. No. 400  
S. B. No. 217  
S. B. No. 467  
S. B. No. 170  
S. B. No. 202  
S. B. No. 328  
S. B. No. 33  
S. B. No. 259  
S. B. No. 165  
S. B. No. 452

#### FIFTY-FIFTH DAY

(Tuesday, April 27, 1965)

The Senate met at 10:30 o'clock a.m. pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Kazen
Bates	Krueger
Blanchard	Moore
Calhoun	Parkhouse
Cole	Patman
Colson	Ratliff
Creighton	Reagan
Crump	Richter
Dies	Rogers
Hall	Schwartz
Hardeman	Snelson
Harrington	Spears
Hazlewood	Strong
Herring	Watson
Hightower	Word

#### Absent—Excused

Kennard

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with, and the Journal was approved.

#### Leave of Absence

Senator Kennard was granted leave of absence for today on account of important business on motion of Senator Spears.

#### Reports of Standing Committees

Senator Herring submitted the following report:

Austin, Texas,  
April 27, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred H. C. R. No. 67, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HERRING, Chairman.

Senator Ratliff submitted the following report:

Austin, Texas,  
April 27, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred H. B. No. 1073, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

RATLIFF, Chairman.

Senator Hall submitted the following report:

Austin, Texas,  
April 26, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Transportation, to which was referred H. B. No. 361, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HALL, Chairman.

Senator Blanchard submitted the following reports:

Austin, Texas,  
April 27, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Insurance, to which was referred S. B. No. 323, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

BLANCHARD, Chairman.

Austin, Texas,  
April 27, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Insurance, to which was referred S. B. No. 519, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass as amended, and be printed.

BLANCHARD, Chairman.

Austin, Texas,  
April 27, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on In-

surance, to which was referred H. B. No. 551, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

BLANCHARD, Chairman.

#### Senate Bill 534 on First Reading

Senator Watson moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

#### Yeas—29

Aikin	Kazen
Bates	Krueger
Blanchard	Moore
Calhoun	Parkhouse
Cole	Patman
Colson	Ratliff
Creighton	Reagan
Crump	Richter
Dies	Schwartz
Hall	Snelson
Hardeman	Spears
Harrington	Strong
Hazlewood	Watson
Herring	Word
Hightower	

#### Absent

Rogers

#### Absent—Excused

Kennard

The following bill was then introduced, read first time and referred to the committee indicated:

By Senator Watson:

S. B. No. 534, A bill to be entitled "An Act to amend Article 6.04 of Chapter 205, Acts of the 57th Legislature, 1961, and Chapter 451, Acts of the 58th Legislature, Regular Session, 1963, compiled as Article 1302-6.04 in Vernon's Revised Civil Statutes of Texas as a part of the Uniform Stock Transfer Act, to provide that when shares are registered on the books of a corporation in the names of two or more persons as joint owners, with the right of survivorship, the surviving joint owner shall have the power to transfer title to such shares and receive dividends

thereon; that no liability shall accrue to any corporation because of such transfer or payment of dividends prior to receipt of actual written notice by an adverse claimant; that such discharge of liability on the part of the corporation shall not affect a cause of action by an adverse claimant against such surviving joint owner; and declaring an emergency."

To the Committee on Counties, Cities and Towns.

#### Senate Resolution 549

Senator Herring offered the following resolution:

Whereas, Each year since 1951, the Austin Real Estate Board and Realtors Wives' Club have jointly sponsored a scholarship program for deserving graduates of Austin high schools; and

Whereas, Scholarships are today being presented by these organizations to six outstanding young people, and the recipients of these scholarships may continue their education at any accredited Texas college of their choice; and

Whereas, These two civic-minded groups are filling an important need in the community by their exceptional interest in the education and future of our young people; and

Whereas, It is the desire of the Senate of the 59th Legislature to recognize the Austin Real Estate Board and the Realtors Wives' Club for their important contribution to our State and Nation; now, therefore, be it

Resolved, That these two organizations be commended for this most worthy endeavor and that enrolled copies of this resolution be presented to Mr. Joe Farmer, President of the Austin Real Estate Board, and Mrs. Daisybell Grigsby, President of the Realtors Wives' Club with the congratulations and good wishes of the members of the Texas Senate.

The resolution was read and was adopted.

#### Senate Resolution 550

Senator Herring offered the following resolution:

BE IT RESOLVED by the Senate of Texas, That the Enrolling Clerk be directed to correct Senate Bill No. 163, Section 3, by changing the num-

ber of the subsection designated "(9)" on page 6 thereof to be "(8)."

The resolution was read and was adopted.

#### Senate Concurrent Resolution 80

Senator Herring offered the following resolution:

S. C. R. No. 80, Empowering Governor to close State offices on certain occasions.

Whereas, There is no authority at this time to provide for recognition of certain occasions which might justify the closing of State offices such as Good Friday, the Fourth of July, Election days, as well as other occasions that might occur and justify some day or portion thereof for the closing of State offices; and

Whereas, The Legislature will not be in regular session for at least eighteen months to give attention to specific justifiable occasions; now, therefore, be it

Resolved, by the Senate of the State of Texas, the House of Representatives concurring, that the Governor of Texas be empowered to authorize the closing of State offices on such occasions as to him may seem proper.

The resolution was read.

On motion of Senator Herring and by unanimous consent the resolution was considered immediately and was adopted.

#### Record of Vote

Senator Hardeman asked to be recorded as voting "Nay" on the adoption of the above resolution.

#### Reason for Vote

I voted against the adoption of S.C.R. No. 80 because it purports to amend the statute (Article 4591, R. C. S.) relating to the closing of public offices and as such violates Article 3, Sections 29, 30 and 36 of the Constitution of Texas, as stated in the case of Caples v. Cole, 102 S. W. (2d) 173.

#### HARDEMAN

#### Reports of Standing Committees

Senator Hazlewood by unanimous consent submitted the following reports:

Austin, Texas,  
April 27, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on State Affairs, to which was referred S. C. R. No. 71, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HAZLEWOOD, Chairman.

Austin, Texas,  
April 27, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on State Affairs, to which was referred S. B. No. 527, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HAZLEWOOD, Chairman.

Senator Ratliff by unanimous consent submitted the following report:

Austin, Texas,  
April 27, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred S. B. No. 534, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

RATLIFF, Chairman.

#### House Bill 1073 Ordered Not Printed

On motion of Senator Kazen and by unanimous consent H. B. No. 1073 was ordered not printed.

#### Bills Signed

The President signed in the presence of the Senate after the caption had been read, the following enrolled bills:

S. B. No. 225, A bill to be entitled "An Act relating to physicians reports of certain injuries involving children; and declaring an emergency."

S. B. No. 280, A bill to be entitled "An Act amending Subsections (b) and (e), Section 47, Texas Probate Code relating to the distribution of

community property and the proceeds from certain insurance policies in the case of simultaneous death; and declaring an emergency."

S. B. No. 381, A bill to be entitled "An Act amending Section 10 of the 'Lower Colorado River Authority Act,' etc., and declaring an emergency."

#### House Bills on First Reading

The following bills received from the House, were read the first time and referred to the committees indicated:

H. B. No. 783, to Committee on Counties, Cities and Towns.

H. B. No. 483, to Committee on Insurance.

H. B. No. 156, to Committee on Counties, Cities and Towns.

H. B. No. 161, to Committee on Counties, Cities and Towns.

H. B. No. 171, to Committee on Jurisdiction.

H. B. No. 188, to Committee on State Affairs.

H. B. No. 210, to Committee on State Affairs.

H. B. No. 216, to Committee on Jurisprudence.

H. B. No. 299, to Committee on Education.

H. B. No. 314, to Committee on Counties, Cities and Towns.

H. B. No. 338, to Committee on Agriculture and Livestock.

H. B. No. 339, to Committee on Agriculture and Livestock.

H. B. No. 365, to Committee on Privileges and Elections.

H. B. No. 368, to Committee on Jurisprudence.

H. B. No. 375, to Committee on Counties, Cities and Towns.

H. B. No. 413, to Committee on Education.

H. B. No. 453, to Committee on Insurance.

H. B. No. 468, to Committee on Privileges and Elections.

H. B. No. 470, to Committee on State Affairs.	H. B. No. 788, to Committee on Counties, Cities and Towns.
H. B. No. 485, to Committee on Counties, Cities and Towns.	H. B. No. 821, to Committee on Education.
H. B. No. 486, to Committee on Game and Fish.	H. B. No. 824, to Committee on Counties, Cities and Towns.
H. B. No. 492, to Committee on State Departments and Institutions.	H. B. No. 846, to Committee on Counties, Cities and Towns.
H. B. No. 496, to Committee on Privileges and Elections.	H. B. No. 848, to Committee on Jurisprudence.
H. B. No. 497, to Committee on Counties, Cities and Towns.	H. B. No. 852, to Committee on Education.
H. B. No. 507, to Committee on State Affairs.	H. B. No. 853, to Committee on Finance.
H. B. No. 508, to Committee on Jurisprudence.	H. B. No. 864, to Committee on Education.
H. B. No. 518, to Committee on Oil and Gas.	H. B. No. 866, to Committee on Game and Fish.
H. B. No. 543, to Committee on Game and Fish.	H. B. No. 884, to Committee on Counties, Cities and Towns.
H. B. No. 596, to Committee on Game and Fish.	H. B. No. 902, to Committee on Agriculture and Livestock.
H. B. No. 618, to Committee on Counties, Cities and Towns.	H. B. No. 918, to Committee on Water and Conservation.
H. B. No. 626, to Committee on Counties, Cities and Towns.	H. B. No. 926, to Committee on State Affairs.
H. B. No. 638, to Committee on Counties, Cities and Towns.	H. B. No. 931, to Committee on Counties, Cities and Towns.
H. B. No. 661, to Committee on Counties, Cities and Towns.	H. B. No. 937, to Committee on State Affairs.
H. B. No. 665, to Committee on Counties, Cities and Towns.	H. B. No. 1016, to Committee on State Affairs.
H. B. No. 673, to Committee on Counties, Cities and Towns.	H. B. No. 1047, to Committee on Transportation.
H. B. No. 680, to Committee on Water and Conservation.	
H. B. No. 699, to Committee on Counties, Cities and Towns.	
H. B. No. 700, to Committee on State Affairs.	
H. B. No. 703, to Committee on Counties, Cities and Towns.	
H. B. No. 749, to Committee on Counties, Cities and Towns.	
H. B. No. 772, to Committee on Water and Conservation.	
H. B. No. 773, to Committee on Game and Fish.	

#### Leave of Absence

Senator Spears was granted leave of absence for the remainder of to-day on account of important business on motion of Senator Patman.

#### Senate Bill 59 on Third Reading

Senator Word asked unanimous consent to suspend the regular order of business and take up S. B. No. 59 for consideration at this time.

There was objection.

Senator Word then moved to suspend the regular order of business and take up S. B. No. 59 for consideration at this time.

The motion prevailed by the following vote:

## Yeas—22

Aikin	Krueger
Bates	Parkhouse
Blanchard	Ratliff
Calhoun	Reagan
Cole	Richter
Colson	Rogers
Creighton	Schwartz
Hardeman	Snelson
Harrington	Strong
Hazlewood	Watson
Hightower	Word

## Nays—6

Crump	Kazen
Dies	Moore
Herring	Patman

## Absent

Hall

## Absent—Excused

Kennard                      Spears

The President laid before the Senate on its third reading and final passage:

S. B. No. 59, A bill to be entitled "An Act amending the Texas Banking Code authority stock option plans for state banks, etc., and declaring an emergency."

The bill was read the third time and was passed.

## Record of Vote

Senators Herring, Patman, Dies, Kazen, Hall, Moore, and Blanchard asked to be recorded as voting "Nay" on the final passage of S. B. No. 59.

## Senate Resolution 551

Senator Creighton offered the following resolution:

Resolved, by the Senate of Texas that the Enrolling and Engrossing Clerk be directed to copy only those pages or sections which were amended by floor amendments to S. B. 141.

The resolution was read and was adopted.

## Reports of Standing Committees

Senator Watson by unanimous consent submitted the following report:

Austin, Texas,  
April 26, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on State Departments and Institutions, to whom was referred H. B. No. 492, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

WATSON, Chairman.

Senator Ratliff by unanimous consent submitted the following reports:

Austin, Texas,  
April 27, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred H. B. No. 497, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

RATLIFF, Chairman.

Austin, Texas,  
April 27, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred H. B. No. 783, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

RATLIFF, Chairman.

Senator Rogers by unanimous consent submitted the following reports:

Austin, Texas,  
April 27, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Agriculture and Livestock, to which was referred H. B. No. 338, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

ROGERS, Chairman.

Austin, Texas,  
April 27, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Agriculture and Livestock, to which was referred H. B. No. 339, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

ROGERS, Chairman.

#### House Bill 497 Ordered Not Printed

On motion of Senator Calhoun and by unanimous consent H. B. No. 497 was ordered not printed.

#### Senate Bill 26 on Second Reading

On motion of Senator Parkhouse and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 26, A bill to be entitled "An Act authorizing cities of 600,000 or more population according to the last preceding or any future federal census, to create a metropolitan transit authority, which shall have the power and authority to acquire, own, establish and operate transit facilities; providing a short title for the act; and defining certain terms; prescribing the manner of creation of such authority; defining the powers and duties of such authority and providing for the exercise of such powers; providing that such authority shall have no power of taxation but exempting its property from taxation; providing for a savings clause; and declaring an emergency."

The bill was read second time.

Senator Parkhouse offered the following Committee Amendment to the bill:

Amend Section 2 of S. B. No. 26 by striking out in the second line the figure "600,000" and inserting in lieu thereto the figure "650,000" and correcting the caption accordingly."

The Committee Amendment was read and was adopted.

Senator Parkhouse offered the following Committee Amendment to the bill:

Amend Section 3 of S. B. No. 26 by striking out the period at the end of the last sentence and substituting a semicolon therefor and adding the following:

"provided, however, that this Act shall be optional in its application to any city that may hereafter attain the population requirements of this Act."

The Committee Amendment was read and was adopted.

Senator Parkhouse offered the following amendment to the bill:

Amend Senate Bill 26, Section 2, sub-section (g), line 63 by striking out the word "packages" and inserting after the word baggage the following:

"except such mail and hand baggage as may be in the possession of passenger."

The amendment was read and was adopted.

Senator Parkhouse offered the following amendment to the bill:

Amend Subsection (f) of S. B. 26 by striking out said Subsection (f) and inserting in lieu thereof the following:

Section 5. Powers of the Authority.  
"(f) The Authority shall have the power and authority to enter into agreement with any other public utility, private utility, communication system, common carrier, or transportation system, for the joint use of their respective facilities, installations, of whatever kind and character, within the metropolitan area."

The amendment was read and was adopted.

On motion of Senator Parkhouse and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

#### Senate Bill 26 on Third Reading

Senator Parkhouse moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that S. B. No. 26 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26

Aikin

Bates

Blanchard	Krueger
Calhoun	Moore
Cole	Parkhouse
Colson	Patman
Creighton	Ratliff
Crump	Richter
Dies	Rogers
Hall	Schwartz
Hardeman	Snelson
Hazlewood	Strong
Hightower	Watson
Kazen	Word

**Nays—2**

Harrington	Herring
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**Absent**

Reagan

**Absent—Excused**

Kennard	Spears
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The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

**Record of Votes**

Senators Herring, Harrington, Dies, Strong, Blanchard, and Word asked to be recorded as voting "Nay" on the final passage of S. B. No. 26.

**Reports of Standing Committee**

Senator Ratliff by unanimous consent submitted the following reports:

Austin, Texas,  
April 27, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred H. B. No. 618, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

RATLIFF, Chairman.

Austin, Texas,  
April 27, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred H. B. No. 699, have had the same under consideration, and I am instructed to report it back to the

Senate with the recommendation that it do pass and be printed.

RATLIFF, Chairman.

Austin, Texas,  
April 27, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred H. B. No. 673, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

RATLIFF, Chairman.

**House Bill 673 Ordered Not Printed**

On motion of Senator Snelson and by unanimous consent H. B. No. 673 was ordered not printed.

**Bills Signed**

The President signed in the presence of the Senate after the captions had been read, the following enrolled bills:

S. B. No. 490, A bill to be entitled "An Act repealing section 106(a) of Article XIII of the Uniform Act Regulating Traffic on Highways, as heretofore amended (being codified as section 106(a) of Article 6701d of Vernon's Civil Statutes) to the extent, and only to the extent of its conflict with Senate Bill 3, Acts Regular Session 59th Legislature; repealing all other laws and parts of laws to the extent, and only to the extent of their conflict with the aforesaid Senate Bill 3; and declaring an emergency."

S. B. No. 310, A bill to be entitled "An Act providing for the issuance of bonds and the establishment of a loan program for students at institutions of higher education pursuant to Section 50b, Article III, Constitution of the State of Texas; providing for the administration of such program by the Coordinating Board, Texas College and University System or its successor or successors; and declaring an emergency."

S. B. No. 367, A bill to be entitled "An Act authorizing and directing the Board for Texas State Hospitals and Special Schools or such agency as may hereafter have control and management of said property to execute and deliver to the City of Galveston an easement to a tract of land in Gal-



veston County for the purpose of installing, constructing and building a package type sewage treatment plant on and over land owned by the State of Texas for the use and benefit of the Moody State School for Cerebral Palsied Children; and declaring an emergency."

#### Senate Bill 479 on Second Reading

On motion of Senator Hardeman and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 479, A bill to be entitled "An Act relating to the punishment for the offense of swindling; amending Article 1550; Penal Code of Texas, 1925, as amended; and declaring an emergency."

The bill was read second time and passed to engrossment.

#### Senate Bill 479 on Third Reading

Senator Hardeman moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that S. B. No. 479 be placed on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—28

Aikin	Kazen
Bates	Krueger
Blanchard	Moore
Calhoun	Parkhouse
Cole	Patman
Colson	Ratliff
Creighton	Reagan
Crump	Richter
Dies	Rogers
Hardeman	Schwartz
Harrington	Snelson
Hazlewood	Strong
Herring	Watson
Hightower	Word

#### Absent

Hall

#### Absent—Excused

Kennard

Spears

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

#### Committee Substitute Senate Joint Resolution 4 on Second Reading

On motion of Senator Harrington and by unanimous consent, the President laid before the Senate as Unfinished Business C. S. S. J. R. No. 4 on its second reading and passage to engrossment. (The resolution having been read the second time on Tuesday, April 13, 1965.)

Question—Shall C. S. S. J. R. No. 4 be passed to engrossment?

Senator Harrington offered the following amendment to the resolution:

Amend the Committee Substitute for S. J. R. No. 4 by striking out all below the resolving clause and substituting in lieu thereof the following:

"Section 1. That Section 62 of Article XVI of the Constitution of the State of Texas be amended by adding thereto a subsection (c) which shall read as follows:

"(c) The Texas Legislature is authorized to enact appropriate laws to provide for a System of Retirement, Disability and Death Benefits for all the officers and employees of a county or other political subdivision of the State, or a political subdivision of a county; providing that when the Texas Legislature has passed the necessary enabling legislation pursuant to the Constitutional authorization, then the governing body of the county, or other political subdivision of the State or political subdivision of the county shall make the determination as to whether a particular county or other political subdivision of the State, or subdivision of the county participates in this System; providing further that such System shall be operated at the expense of the county or other political subdivision of the State or political subdivision of the county electing to participate therein and the officers and employees covered by the System; and providing that the Legislature of the State of Texas shall never make an appropriation to pay the costs of this Retirement, Disability and Death Compensation System.

The Legislature may provide for a voluntary merger into the System herein authorized by this Constitutional amendment of any System of Retirement, Disability and Death Compensation Benefits which may now exist or that may hereafter be established under Subsection (b) of Section

62 of Article XVI of the Texas Constitution; providing further that the Texas Legislature in the enabling statute will make the determination as to the amount of money that will be contributed by the county or other political subdivision of the State or political subdivision of the county to the State-wide system of Retirement, Disability and Death Benefits, and the Legislature shall further provide that the amount of money contributed by the county or other political subdivision of the State or subdivision of the county shall equal the amount paid for the same purpose from the income of each officer and employee covered by this State-wide system.

It is the further intention of the Legislature, in submitting this Constitutional Amendment, that the officers and employees of the county or other political subdivision of the State or political subdivision of a county may be included in these systems regardless of whether the county or other political subdivision of the State or political subdivision of the county participates in the Retirement, Disability and Death Benefit System authorized by this Constitutional Amendment, or whether they participate in a System under the provisions of Subsection (b) of Section 62 of Article XVI of the Texas Constitution as the same is herein amended.

Sec. 2. The foregoing Constitutional Amendment shall be submitted to a vote of the qualified electors of this State at the General Election in November, 1966, at which all ballots shall have printed thereon:

"FOR the Constitutional Amendment authorizing the Texas Legislature to establish a State-wide Cooperative System of Retirement, Disability and Death benefits for the officials and employees of the various counties or other political subdivisions of the State, or political subdivisions of a county; authorizing the Legislature to provide for a voluntary merger into the system authorized by this amendment by those officers and employees covered by the provisions of Subsection (b) of Section 62 of Article XVI of the Texas Constitution as now existing or may hereafter be established; providing that costs of this system shall be borne by the counties and other political subdivisions of the State and political subdivisions of the county electing to

participate therein and the officers and employees covered by the system; and forbidding the Legislature from making any appropriations for the operation of this system."

"AGAINST the Constitutional Amendment authorizing the Texas Legislature to establish a State-wide Cooperative System of Retirement, Disability and Death benefits for the officials and employees of the various counties or other political subdivisions of the State, or political subdivisions of a county; authorizing the Legislature to provide for a voluntary merger into the system authorized by this amendment of those officers and employees covered by the provisions of Subsection (b) of Section 62 of Article XVI of the Texas Constitution as now existing or may hereafter be established; providing that costs of this system shall be borne by the counties and other political subdivisions of the State and political subdivisions of the county electing to participate therein and the officers and employees covered by the system; and forbidding the Legislature from making any appropriations for the operation of this system."

If it appears from the returns of said election that a majority of the votes have been cast in favor of such amendment, the same shall become a part of the Constitution of the State of Texas.

Sec. 3. The Governor of the State of Texas shall issue the necessary proclamation for said election and have notice of said proposed amendment and of said election published as required by the Constitution of Texas, and laws of this State.

The amendment was read and was adopted.

On motion of Senator Harrington and by unanimous consent the caption was amended to conform to the body of the resolution as amended.

The resolution as amended was passed to engrossment.

#### Committee Substitute Senate Joint Resolution 4 on Third Reading

Senator Harrington moved that the Constitutional Rule and Senate Rule 32 requiring resolutions to be read on three several days be suspended and that C. S. S. J. R. No. 4 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Kazen
Bates	Krueger
Blanchard	Moore
Calhoun	Parkhouse
Cole	Patman
Colson	Ratliff
Creighton	Reagan
Crump	Richter
Dies	Rogers
Hall	Schwartz
Harrington	Snelson
Hazlewood	Strong
Herring	Watson
Hightower	Word

Nays—1

Hardeman

Absent—Excused

Kennard                      Spears

The President then laid the resolution before the Senate on its third reading and final passage.

The resolution was read third time and was passed by the following vote:

Yeas—28

Aikin	Kazen
Bates	Krueger
Blanchard	Moore
Calhoun	Parkhouse
Cole	Patman
Colson	Ratliff
Creighton	Reagan
Crump	Richter
Dies	Rogers
Hall	Schwartz
Harrington	Snelson
Hazlewood	Strong
Herring	Watson
Hightower	Word

Nays—1

Hardeman

Absent—Excused

Kennard                      Spears

Welcome Resolutions

S. R. No. 552—By Senator Harrington: Extending welcome to Von McReynolds of Groves and Billy E. Hubbard of Port Neches.

Adjournment

On motion of Senator Moore the

Senate at 12:02 o'clock p.m. adjourned until 10:30 o'clock a.m. tomorrow.

## APPENDIX

### Reports of Standing Committee

Senator Hardeman submitted the following reports:

Austin, Texas,  
April 27, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on En-grossed and Enrolled Bills, to which was referred:

S. B. No. 381, "An Act amending Section 10 of the "Lower Colorado River Authority Act," Chapter 7, Acts of the Fourth Called Session of the 43rd Legislature (1934), page 19, as amended by Chapter 2, Special Laws of the Regular Session of the 46th Legislature (1939), page 1048, by Chapter 61, Acts of the Regular Session of the 51st Legislature (1949), page 101, and by Chapter 165, Acts of the Regular Session of the 54th Legislature (1955), page 532, and by Chapter 327, Acts of the Regular Session of the 56th Legislature (1959), page 708, and by Chapter 11, Acts of the Third Called Special Session of the 57th Legislature (1962), page 27, so as to authorize the Lower Colorado River Authority to sell bonds to the United States of America, or to any agency or corporation created or designated by the United States of America; to acquire, install, construct, and enlarge, make additions to, and to operate a steam plant located within the boundaries of the District to serve the area now being served by Lower Colorado River Authority; and providing rights and powers of bondholders in event of default; reenacting the remainder of said Section 10 without change; containing a severability clause; and declaring an emergency."

have carefully compared same and find it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,  
April 27, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on En-

grossed and Enrolled Bills, to which was referred:

S. B. No. 280, "An Act amending Subsections (b) and (e), of Section 47, Texas Probate Code relating to the distribution of community property and the proceeds from certain insurance policies in the case of simultaneous death; and declaring an emergency."

have carefully compared same and find it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,  
April 27, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 225, "An Act relating to physicians' reports of certain injuries involving children; and declaring an emergency."

have carefully compared same and find it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,  
April 27, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 367, "An Act authorizing and directing the Board for Texas State Hospitals and Special Schools or such agency as may hereafter have control and management of said property to execute and deliver to the City of Galveston an easement to a tract of land in Galveston County for the purpose of installing, constructing, building, maintaining and operating, a package type sewage treatment plant on and over land owned by the State of Texas for the use and benefit of the Moody State School for Cerebral Palsied Children; and declaring an emergency."

have carefully compared same and find it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,  
April 27, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 310, "An Act providing for the issuance of bonds and the establishment of a loan program for students at institutions of higher education pursuant to Section 50b, Article III, Constitution of the State of Texas; providing for the administration of such program by the Coordinating Board, Texas College and University System or its successor or successors; and declaring an emergency."

have carefully compared same and find it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,  
April 27, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 490, "An Act repealing Section 106(a) of Article XIII of the Uniform Act Regulating Traffic on Highways, as heretofore amended, (being codified as Section 106(a) of Article 6701 d of Vernon's Civil Statutes) to the extent, and only to the extent of its conflict with Senate Bill No. 3 Acts Regular Session 59th Legislature; repealing all other laws and parts of laws to the extent, and only to the extent of their conflict with the aforesaid Senate Bill No. 3; and declaring an emergency."

have carefully compared same and find it correctly enrolled.

HARDEMAN, Chairman.

#### Sent to the Governor

April 27, 1965

S. B. No. 458  
S. B. No. 381  
S. B. No. 225  
S. B. No. 280  
S. B. No. 367  
S. B. No. 310  
S. B. No. 490

#### FIFTY-SIXTH DAY

(Wednesday, April 28, 1965)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present: